IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 12TH DECEMBER 2007 / 21ST AGRAHAYANA 1929

WP(C).No. 35726 of 2007(C)

PETITIONERS:

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1. MATHAI ABRAHAM, (SECRETARY, CHURCH OF GOD (FULL GOSPEL) IN INDIA, ELANTHOOR), PEACE COTTAGE, ELANTHOOR, PATHANAMTHITTA.

2. K.V.KOSHY, (TRUSTEE, GILLIGAL GOSPEL CHURCH, KARAMVELI), KIZHAKKAPUTHUPARAMBIL, KARAMVELI P.O., MALLAPUZHACHERRY, PATHANAMTHITTA.

3. CHACKO ABRAHAM, (TRUSTEE, CHRISTIAN FELLOWSHIP CHURCH, KOZHENCHERRY), KIDANGALIL, KOZHENCHERRY EAST PO, KOZHENCHERRY, PATHANAMTHITTA.

BY ADV. SRI.JACOB P.ALEX

RESPONDENTS:

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1. DISTRICT COLLECTOR, PATHANAMTHITTA.

2. DISTRICT MEDICAL OFFICER, PATHANAMTHITTA.

3. MEZHUVELI GRAMA PANCHAYAT, REPRESENTED BY ITS SECRETARY, ELAVUMTHITTA PO, PATHANAMTHITTA.

BY G.P.SRI.K.J. MUHAMMED ANZER FOR R1 AND R2

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Pius C. Kuriakose, J.

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W.P.(C) No. 35726 of 2007

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Dated this the 12th day of December, 2007

JUDGMENT

Grievance of the petitioners who are the functionaries of three different churches in Pathanamthitta district is that applications submitted by them for licence for commencement of cemeteries have not been finalized by the statutory authority, the District Collector. Learned Government Pleader, on instructions from the 1st respondent, submits that a civil suit is pending in respect of the sites where the cemeteries are proposed to be constructed and the District Collector has sought legal opinion of the District Government Pleader and is awaiting such opinion. Statutory time frame for finalizing the applications under Rule 6 of the Kerala Panchayat (Burial and Burning Grounds) Rule is six months from the date of receipt of the complete application with due recommendation from the District Medical Officer. Apparently, that period is over. However, in view of decision of the Division Bench of this Court reported in Pentecost Mission V. State of Kerala (206(4) KLT 153), the statutory period is not yet over.

2. In the above circumstances, I dispose of the writ petition itself

directing the 1st respondent District Collector to complete the enquiry and pass final orders on Ext.P7 series applications submitted by the petitioners as early as possible, at any rate within four months from the date of receipt of a copy of this judgment.

Pius C. Kuriakose,
Judge.

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